
Public Notice

Applicant:	Date:
Oakstone	Investment
Company	Published:
	Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 1999-00218(0) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Oakstone Investment Company, c/o Messrs. Dennis Ibold and Jerry Petersen, 11404 Twin Mills Lane, Chardon, Ohio 44024 has requested after-the-fact authorization for existing and proposed impacts resulting in fill placement in 605 linear feet of intermittent and perennial unnamed tributaries of Bates Creek and 0.39 acre of wetlands to construct the Sunrise Meadows residential subdivision. The project is located at Bascome Road and State Route 6, Hambden Township, Geauga County, Ohio.

The completed work involved construction of three crossings and one detention basin resulting in the loss of 0.31 acre of a below-headwater wetland and 624 linear feet of stream (Sheet 4 of 10). The applicant has proposed to remove the unauthorized fill from approximately 265 linear feet of the stream and restore it to its original contours. The resultant permanent loss of this stream would therefore total 359 linear feet.

The unfinished/proposed work includes the following (Sheet 5 of 10):

- a. Completion of the construction of stream crossing number 3 and two driveway crossings;
- b. Construction of two additional in-stream detention facilities;
- c. Relocation of the existing detention basin adjacent to and discharging into the restored stream.

Therefore, the work completed to date has resulted in 624 linear feet of stream fill. The applicant proposes to restore 265 linear feet of the stream wherein fill has already been placed. The applicant also proposes to fill an additional 250 linear feet of stream. The total wetland loss to date is 0.31 acre. The applicant proposes an additional 0.08 acre of wetland fill. The final proposal would result in the loss of 605 linear feet of stream and 0.39 acre of wetland.

As mitigation for these impacts, the applicant has proposed two options:

- a. Placement of a conservation easement on 11.87 acres of wetland which bisects the development and to be held by the Geauga Park District, or
- b. Donation of a yet undetermined amount to the Geauga Park District's In-Lieu Fee Arrangement fund at a 2:1 replacement ratio. These funds will be used to replace streams and/or wetlands on park property.

Location and details of the above described work are shown on the attached maps and drawings.

Upon expiration of this Public Notice, the Corps of Engineers will determine whether to (1) authorize the project after-the-fact; (2) authorize the project with appropriate modification; or (3) deny authorization and pursue enforcement action in order to resolve the outstanding violations of Section 404 of the Clean Water Act.

Questions pertaining to the work described in this notice should be directed to Theresa B. Hudson, who can be contacted by calling (440) 437-5840, or by e-mail at: Theresa.B.Hudson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, Orwell Field Office, 33 Grand Valley Avenue, Orwell, Ohio 44076-9566, and should be marked to the attention of Theresa B. Hudson, or by e-mail at: Theresa.B.Hudson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the

Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.